

EXHIBIT A

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Attorneys for Interested Party
CN UTILITY CONSULTING, INC.

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

PACIFIC GAS AND ELECTRIC
COMPANY,

Defendant.

No. CR 14-00175-WHA

**DECLARATION OF [REDACTED]
[REDACTED] IN RESPONSE TO THE
COURT'S FEBRUARY 5, 2021 ORDER**

I, [REDACTED], declare as follows:

1. I am currently a forester with Clear Path Utility Solutions LLC, a company based in Auburn, California. I am an independent contractor.
2. I have reviewed the Court's order in this matter, dated February 5, 2021, Docket No. 1297.
3. I have reviewed the photograph at Docket No. 1250-4 and page 11 of the Court's order dated December 29, 2020, in which the Court specifically identifies a gray pine (the "Gray Pine") shown at Docket No. 1250-4.

4. Based on having reviewed the photograph and description described in the order, I believe I understand to which tree the Court is referring in the February 5, 2021 Order.

5. I submit this declaration in response to the Court's February 5, 2021 Order.

I. POSITION AND EMPLOYER

6. Between approximately August 2014 and November 2018, I was employed by CN Utility Consulting, Inc. ("CNUC"). I began as a Consulting Utility Forester ("CUF") II. In October 2018, I was promoted to Lead Field CUF.

7. At the time I worked for CNUC, CNUC provided vegetation management contracting services to Pacific Gas and Electric Company ("PG&E").

II. QUALIFICATIONS AND LICENSE¹

8. I received an Associate Degree in forestry in 1998.

9. In late 2016 or early 2017, I was certified as an Arborist by the International Society of Arboriculture ("ISA"). To be eligible for ISA certification, an applicant must have at least three years of full-time, eligible, practical work experience in arboriculture or a degree in the field of arboriculture, horticulture, landscape architecture, or forestry, and pass a rigorous examination.

10. After receiving my forestry degree in 1998, I spent six months in each of the next three years evaluating forests for the U.S. Forest Service.

11. From 2007-2014, I worked for the Western Shasta Resource Conservation District. While working there, I was responsible for cutting fuel breaks, creating defensible space, and removing tree hazards. I also worked on conservation projects such as erosion control and streambed restoration. I became familiar with Zogg Mine Road during this employment, as I was responsible for creating a large fuel break along Zogg Mine Road.

12. I began working for CNUC in August 2014. When I began working there, I received training in the field, including along Route 50 of the Girvan Circuit and Zogg Mine Road.

¹ This is not a comprehensive list of all my work experience; I have only included work experience relevant to vegetation management.

13. When I began working for CNUC, I also was given a binder containing PG&E vegetation management policies and procedures, as well as other company procedures, that I reviewed and have kept with me at all times while performing pre-inspection work.

14. I am familiar with the requirements of General Order 95 and Rule 35, as well as the Public Resource Code Section 4293 Power Line Fire Prevention Field Guide. I received both initial and recurring training on these standards throughout my time at CNUC.

15. I have extensive experience with wildfire cleanup and recovery, having worked in such capacity after the following fires:

- a. The Valley Fire (Lake County, 2015)
- b. The Ponderosa Fire (Butte County, 2017)
- c. The LaPorte Fire (Butte County, 2017–2018)
- d. The North Bay Fires (Napa County, 2017)
- e. The North Bay Fires (Butte County, 2017)
- f. The Honey Run Fire (Butte County, 2017)
- g. The North Complex Fire (Plumas and Butte Counties, 2020)
- h. The Camp Fire (Butte County, 2018)

16. During my time at CNUC, I was responsible for the wildfire cleanup and recovery work discussed above as well as for conducting routine inspections.

17. I received positive performance reviews from my supervisors during my time at CNUC and was assigned to train new hires.

18. Since leaving CNUC in November 2018, I have worked as a forester at two additional vegetation management companies, including my current employer.

III. DATE OF GRAY PINE DETERMINATION

19. In October 2018, I was assigned to conduct a routine patrol of Route 50 of the Girvan 1101 Circuit. Zogg Mine Road was within the area to which I was assigned.

20. I was familiar with this route both from my work before being hired at CNUC and because I had conducted routine patrols on Route 50 in 2016 and 2017.

21. I do not specifically remember inspecting the Gray Pine identified by the Court. Based on my review of inspection records I generated in the course of the October 2018 routine patrol of Route 50, however, I know that I would have been inspecting the portion of the Girvan Circuit that included the Gray Pine on October 12, 2018. A copy of the relevant record generated on October 12, 2018, is attached hereto as Exhibit 1. Based on my review of these records, I believe I would have inspected the Gray Pine on approximately October 12, 2018.

IV. INVESTIGATION OF GRAY PINE

22. As stated above, I do not specifically remember my investigation of the Gray Pine.

23. Based on my review of the photograph at Docket No. 1250-4 and my experience and usual practice in inspecting Route 50, I believe that I would have looked down both sides of the power lines for the segment closest to the Gray Pine to identify any trees encroaching too close to the power lines or that I expected would encroach into that space over the next year. If I saw any such trees, I would have marked them for trimming.

24. Next, I would have walked the length of the segment from one pole to the next, looking carefully at the surrounding trees for any signs of dead or dying trees. Had I seen any dead or dying trees near the footprint of the power lines, I would have marked them for removal.

25. Based on my review of the Gray Pine in the photograph at Docket No. 1250-4, I believe that the Gray Pine was healthy as of the time the picture was taken. It has a green canopy, indicating that the tree is able to take in nutrients through its roots and distribute them to its canopy. I do not see any indication of disease or other evidence suggesting that it was a tree that should be marked for removal in the photograph.

26. Although I do not specifically remember doing so, based on my practice and my experience inspecting Route 50, I believe that at the time I conducted the October 2018 routine inspection, I would have walked around the Gray Pine and inspected it from all sides for fire damage or disease. In so doing, I likely would have come within ten feet of the Gray Pine.

27. During the October 2018 routine inspection generally, I was aware that the area had been affected by the Carr Fire recently, and I was paying close attention to whether any tree showed signs of fire damage.

1 **V. PHOTOGRAPHS, NOTES, OR VIDEOS**

2 28. If I had taken photographs or videos while conducting the October 2018 routine
3 inspection of Route 50, I would have done so with my smartphone. I have reviewed the contents
4 of my smartphone and confirmed that I have no pictures or videos of the Gray Pine in my
5 possession.

6 29. My practice when conducting routine patrols is to input all notes and observations
7 into PG&E's Getac Preload on a tablet or smartphone I carried with me during my patrol. Those
8 notes and observations are sent to a database maintained by PG&E. I do not keep or maintain
9 separate notes.

10 **VI. REPORTS**

11 30. As discussed above at paragraph 29, during a patrol I would input all notes and
12 observations into PG&E's Getac system,. I did not create any reports regarding specific trees
13 separate from that reporting system. Upon completion of the October 2018 routine inspection, I
14 completed, signed, and submitted a preliminary inspection checklist, a true and correct copy of
15 which is attached hereto as Exhibit 2.

16 31. I believe that the record attached as Exhibit 1 to this declaration is the report I
17 would have generated through Getac on the date I inspected the portion of Route 50 that includes
18 the Gray Pine. The report does not mention or refer to the Gray Pine.

19 **VII. REASONS RE: NOT MARKING GRAY PINE**

20 32. As discussed above, I do not specifically remember the Gray Pine.

21 33. When conducting routine patrols, it was not my practice to submit notes or reports
22 concerning healthy trees that did not require work. Based on the absence of any work orders,
23 notes, or reports concerning the Gray Pine, I believe that at the time I would have inspected it in
24 October 2018, I did not expect it to pose a threat to the power line in the next year.

25 34. My review of Exhibit D to Docket No. 1250-4 is consistent with this. In this
26 picture, as discussed above, the Gray Pine appears to be a healthy tree that was in compliance with
27 all vegetation management standards governing its proximity to the power lines.
28

1 **VIII. KNOWLEDGE REGARDING GRAY PINE**

2 35. As discussed above, I do not specifically remember the Gray Pine.

3 36. Accordingly, I cannot say whether, at the time I inspected the Gray Pine, I was
4 aware of any pre-existing damage to the tree. Had I been aware of pre-existing damage to the tree,
5 I likely would have conducted a closer inspection of the tree. Not all damage is fatal to a tree or
6 compromises its health, however, so mere awareness of pre-existing damage would have been
7 insufficient to cause me to mark it for trimming or removal without knowing the nature or extent
8 of the pre-existing damage. As noted above, during the October 2018 routine inspection generally,
9 I was aware that the area had been affected by the Carr Fire recently, and I was paying close
10 attention to whether any tree showed signs of fire damage.

11 37. Based on my practices at the time I conducted the 2018 routine inspection, I believe
12 I would have noticed the lean of the tree and the species of the tree. Having reviewed the
13 photograph at Docket No. 1250-4, I do not regard the lean of the Gray Pine as indicative of a
14 threat to the power line likely to arise in the subsequent year. Based on my experience, I know
15 that before the Zogg Fire there were countless healthy trees along Route 50 that exhibit a similar
16 or more drastic lean toward power lines that would be affected by a fall. That, however, is not a
17 basis to remove the tree under applicable vegetation management standards absent concerns about
18 the health of the tree or out-of-compliance proximity to a power line.

19 **IX. DIRECTION OF LEAN AND POTENTIAL FALL**

20 38. As discussed above, I do not specifically remember the Gray Pine.

21 39. As also discussed above, based on my review of the photograph at Docket No.
22 1250-4, I believe it would have been obvious to me at the time I conducted the October 2018
23 routine patrol that if the Gray Pine fell in the direction of its lean, it would fall upon the power
24 line.

25 40. Based on my experience and my practices when conducting the October 2018
26 Routine Patrol, I believe this observation would have prompted me to conduct a closer inspection
27 of the tree, including walking around it from all sides within approximately ten feet.
28

41. Based on my experience and my practices when conducting the October 2018 Routine Patrol, I believe this observation would have prompted me to err on the side of caution when deciding whether to mark the tree for removal. That I did not mark the Gray Pine for removal leads me to believe I was confident it did not present a threat to the power lines within the year following my inspection.

X. OTHER PERTINENT INFORMATION

42. The Carr Fire burned in July and August 2018 in Shasta and Trinity Counties, including in parts of Shasta County that would later be affected by the Zogg Fire, including sections of Route 50 of the Girvan 1101 circuit.

43. After the Carr Fire, PG&E contracted with, among other companies, Mountain G Enterprises Inc. ("MGE") to perform post-fire cleanup work. MGE was responsible for performing and overseeing post-Carr Fire work in the area surrounding the Gray Pine.

44. After the Zogg Fire, I was hired by MGE to go to Zogg Mine Road in November 2020 to review trees in the area around the Gray Pine. At this time, I was not employed by CNUC and had not been so employed for nearly two years. My understanding, based both on my experience performing the October 2018 routine patrol and in later discussions with MGE representatives, was that during post-Carr Fire work, certain trees had been marked for trimming or removal which had not been trimmed or removed. MGE retained me to investigate and determine whether any trees that fell on the power lines near the location where CAL FIRE was conducting its investigation of the Zogg Fire were trees that had been marked for work but not ultimately worked. I was hired by MGE due to my familiarity with this area.

45. MGE provided me with the location data from the Collector Application for trees it had marked for work during the post-Carr Fire work.

46. Using the latitude/longitude data from MGE, I visited the site where CAL FIRE was conducting its investigation in November 2020. I inspected the site and observed the Gray Pine.

1 47. Based on the data that I had from the Collector Application, I identified two trees
2 that had originally been marked for work that were part of a cluster of four gray pines in the
3 relevant area.

4 48. While at the site of CAL FIRE's investigation, I observed that the tree that CAL
5 FIRE cut down was an R2, meaning a diameter at breast height ("DBH") of at least twelve and
6 less than 24 inches, and the other tree—which had fallen on the line—was an R3, meaning a DBH
7 of at least 24 and less than 36 inches. The location of these two trees appeared to me consistent
8 with the coordinates for trees that had been marked for work during the post-Carr Fire cleanup
9 work that ultimately had not been worked. Therefore, in my view, the odds are that the Gray Pine
10 was among the trees marked for work, although I cannot be certain of that.

11 I declare under penalty of perjury under the laws of the United States that the foregoing is true
12 and correct.

13 DATED: February 12, 2021
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EXHIBIT 1

Cust.Inf. **MAP** **History****Inspection Record Detail**

A				City: IGO	County: SH	Directions: S/ON PLACER>W/ON SOUTH FORK RD>N/ON ZOGG MINE; N/O LARRY HORSE LN				Inspector / Company: [REDACTED] - CNU			
Division: North Valley	Circuit: (0103401101) GIRVAN 1101	SSD #: 4855	SSD Rte #: 50	Routing #: 1370	(none):				Area: P-25	SRA: Yes	Alerts: AX NF PI		
Insp Date / Time: 10/12/2018 9:24:39 AM		Tag Type:	Tag Number:	Line Name:				Pole Num:	Quad Map: C-6	Removal #: 3872742	Customer Name/Phone: [REDACTED]		
Comment: P58 TP ON DRWY @ 1ST DRWY ENT PAST 8455 ADD FLGD GT P59 1S/W/OF P58 TP ABOVE ZOGG MINE RD CUST WANTS TO KNOW WHO IS ON PROPERTY.MUST CALL TO HAVE GT OPENED.													
										Audit	Last Edit: 10/12/2018 12:12:01 PM by: [REDACTED]		
Tree Number 1	Tree Species: Live Oak	Crew: CA	Priority: Routine	TGR: No	Owned By: Private	Height DBH 45 9	Clearance Prox: Inside	Cycle:	Qty: 1	Trim Type: FS-R1A+Trt	Account: M	Wire Conditions:	Insp Date: 10/12/2018 [REDACTED] AM
Comment: @ P59; DEAD+ROT, UP HILL					Notification: OK		Work Request: C1NV1001518		WC Date: 2/15/2019	WC Qty: 1	WC Trim: F1D	Completed By: [REDACTED]	Invoice: XX (104)
Lat/Long: 40.538677, -122.562037 Google Map!					External TreeID: W122562037N40538677						Audit	Last Edit: 10/12/2018 by: [REDACTED]	
Rx Comment:													
Tree Number 2	Tree Species: Gray Pine	Crew: CA	Priority: Routine	TGR: No	Owned By: Private	Height DBH 45 8	Clearance Prox: 99 Inside	Cycle:	Qty: 1	Trim Type: FP-Rmv1 A	Account: M	Wire Conditions:	Insp Date: 10/12/2018 9:15:53 AM
Comment: @ P59; DEAD, UP HILL					Notification: OK		Work Request: C1NV1001518		WC Date: 2/15/2019	WC Qty: 1	WC Trim: F1B	Completed By: [REDACTED]	Invoice: XX (104)
Lat/Long: 40.53868, -122.562035 Google Map!					External TreeID: W122562035N40538680						Audit	Last Edit: 10/12/2018 by: [REDACTED]	
Rx Comment:													
Tree Number 3	Tree Species: Live Oak	Crew: CA	Priority: Routine	TGR: No	Owned By: Private	Height DBH 25 14	Clearance Prox: 16 Inside	Cycle: Rtn	Qty: 1	Trim Type: Slope	Account: M	Wire Conditions:	Insp Date: 11/2/2017 2:00 PM
Comment: .1S/W/OF P59					Notification:		Work Request: SHNV1024545		WC Date: 12/20/2017	WC Qty: 1	WC Trim: SL	Completed By: [REDACTED]	Invoice: TR (104)
Lat/Long: 40.538212, -122.561195 Google Map!					External TreeID: W122561195N40538212						Audit	Last Edit: 10/12/2018 9:24:38 AM by: [REDACTED]	
Rx Comment:													
Tree Number 4	Tree Species: Gray Pine	Crew: CA	Priority: Routine	TGR: No	Owned By: Private	Height DBH 85 24	Clearance Prox: 15 Inside	Cycle: Rtn	Qty: 1	Trim Type: FP-Ov A	Account: M	Wire Conditions:	Insp Date: 10/12/2018 9:20:45 AM
Comment: .3S/W/OF P59; REMOVE DEAD LIMB					Notification: OK		Work Request: C1NV1001518		WC Date: 2/15/2019	WC Qty: 1	WC Trim: FOA	Completed By: [REDACTED]	Invoice: XX (104)
Lat/Long: 40.538678, -122.56236 Google Map!					External TreeID: W122562360N40538678						Audit	Last Edit: 10/12/2018 by: [REDACTED]	
Rx Comment:													
Tree Number 5	Tree Species: Gray Pine	Crew: CA	Priority: No Trim	TGR: No	Owned By: Private	Height DBH 80 23	Clearance Prox: 0 Inside	Cycle: Rtn	Qty: 1	Trim Type: Side	Account: M	Wire Conditions:	Insp Date: 6/25/2012 1:00 PM
Comment: .3 & .4S/W/O P59					Notification:		Work Request:		WC Date:	WC Qty:	WC Trim:	Completed By:	Invoice: Not Worked
Lat/Long:					External TreeID:						Audit	Last Edit: 10/12/2018 9:24:37 AM by: [REDACTED]	
Rx Comment:													
Tree Number 6	Tree Species: Live Oak	Crew: CA	Priority: Routine	TGR: No	Owned By: Private	Height DBH 40 13	Clearance Prox: 12 Inside	Cycle: Rtn	Qty: 1	Trim Type: Side	Account: M	Wire Conditions:	Insp Date: 6/25/2012 1:40:01 PM
Comment: .9S/W/O P59					Notification:		Work Request: SHNV1018602		WC Date: 8/7/2012	WC Qty: 1	WC Trim: SD	Completed By: [REDACTED]	Invoice: TR (104)
Lat/Long:					External TreeID:						Audit	Last Edit: 10/12/2018 9:24:37 AM by: [REDACTED]	

Rx Comment:

EXHIBIT 2



North Valley Distribution Post PI Checklist

Circuit: Girvan 1101 ^{2099 mine} Route # 50 Packet # _____ Inspector [REDACTED]

- ☒ HIGHLIGHT, SIGN, AND DATE COMPLETED ROUTE ON INDEX MAP AND PUT IN CIRCUIT FOLDER
- ☒ HIGHLIGHT, SIGN, AND DATE FIELD MAP AND STAPLED TO THIS FORM & PUT IN SCUF'S BOX
- ☒ ANY NEW MWS TREES BROUGHT TO SUPERVISORS ATTENTION
- ☒ ANY OLD PAPER MWS FORMS UPDATED AND BROUGHT TO SCUF'S ATTENTION
- ☒ ALL REMOVAL FROMS ACCOUNTED FOR
- ☒ NO TREES CAN CONTACT LINES WITHIN 4 WEEKS
- ☒ NO FPT TREES REQUIRE IMMEDIATE ATTENTION (TALK TO SCUF ABOUT ANY R3 & R4 FP WORK)
- ☒ VERIFY THAT ALL IDLE LINE IS IDENTIFIED ON BOTH MASTER AND INDEX MAPS AND IDLE FORM

IS UPDATED; PICTURES TAKEN, AND SECTION OF THE MAP IS INCLUDED IN THE CIRCUIT FOLDER

N/A PRIVATE LINE INTERFACE FORMS UPDATED AND IN CIRCUIT FOLDER

☒ ANY CUSTOMER ISSUES BROUGHT TO SCUF'S ATTENTION AND UPDATED IN CIRCUIT FOLDER

☒ CUSTOMER POSTCARDS FILLED OUT AND GIVEN TO DMS

☒ PACKET CHECKED BACK INTO VMD FROM THE GETAC

N/A USFS NTW NUMBER

N/A BLM NTW NUMBER

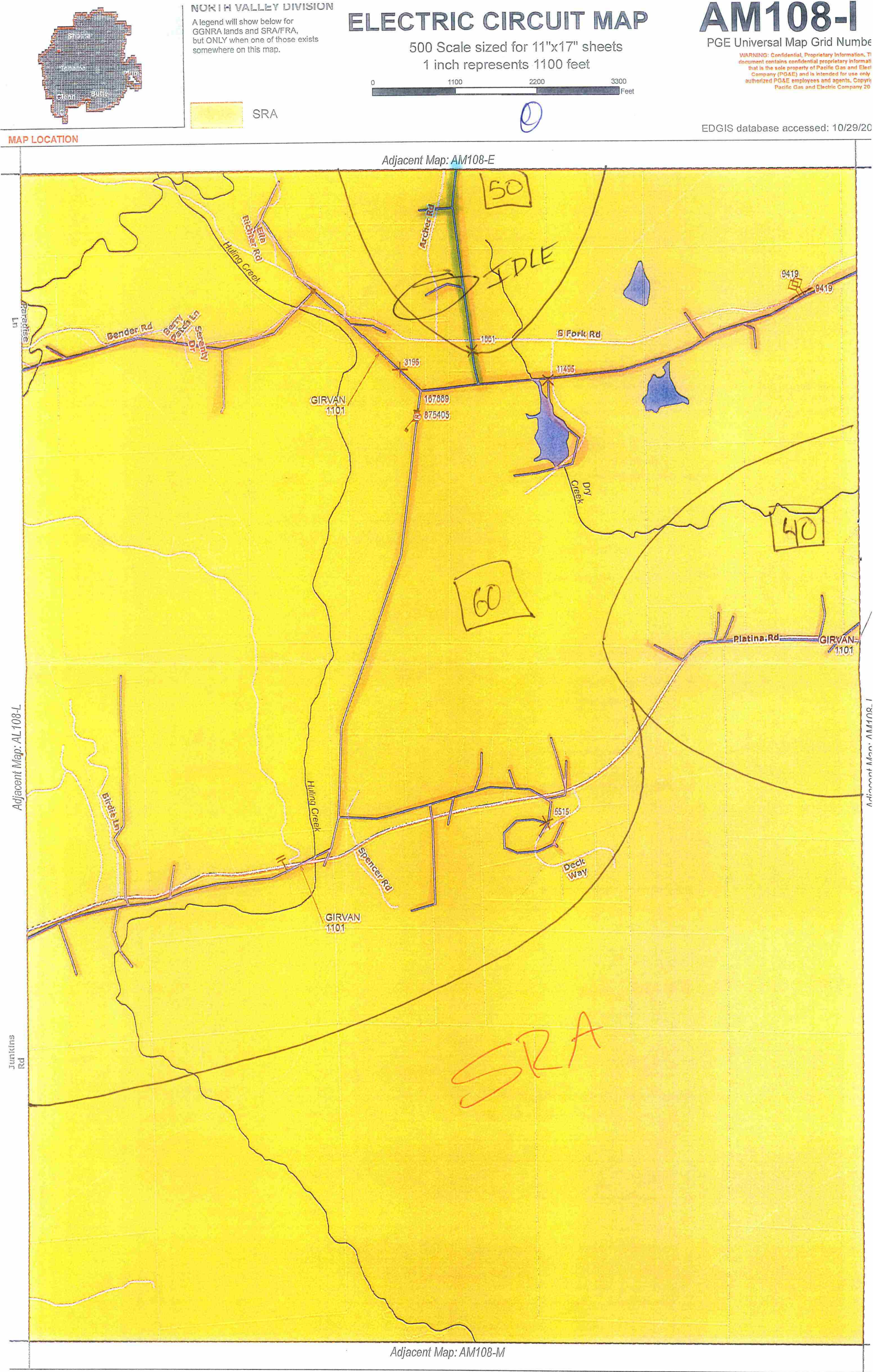
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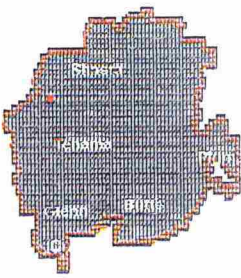
N/A OTHER AGENCY NTW NUMBER (PLEASE SPECIFY AGENCY) N/A

WILL THERE BE AN INCREASE OR DECREASE IN UNITS NEXT YEAR? Decrease

UNITS THIS YEAR: 280; ESTIMATED UNITS NEXT YEAR 200

SIGNATURE AND DATE: [REDACTED] 10/26/18





NORTH VALLEY DIVISION
A legend will show below for
GGNRA lands and SRA/FRA,
but ONLY when one of those exists
somewhere on this map.

FRA

SRA

ELECTRIC CIRCUIT MAP

500 Scale sized for 11"x17" sheets
1 inch represents 1100 feet



AM108-E

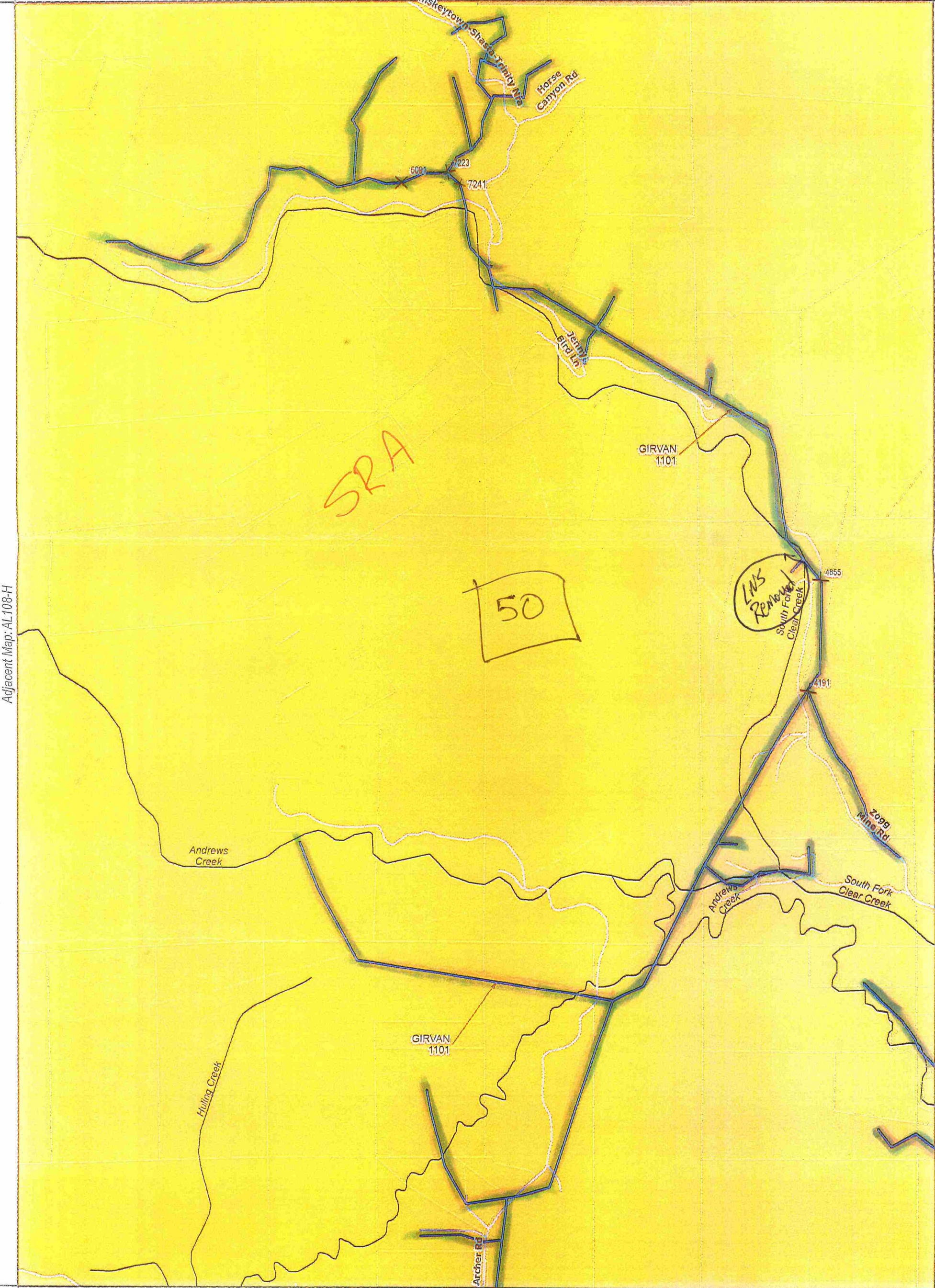
PGE Universal Map Grid Number

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EDGIS database accessed: 10/29/201

MAP LOCATION

Adjacent Map: AM108-A



Adjacent Map: AL108-H

Adjacent Map: AM108-F

Adjacent Map: AM108-I

NORTH VALLEY DIVISION
A legend will show below for GGNRA lands and SRA/FRA, but ONLY when one of those exists somewhere on this map.

FRA
SRA

ELECTRIC CIRCUIT MAP

500 Scale sized for 11"x17" sheets
1 inch represents 1100 feet



AM108-J

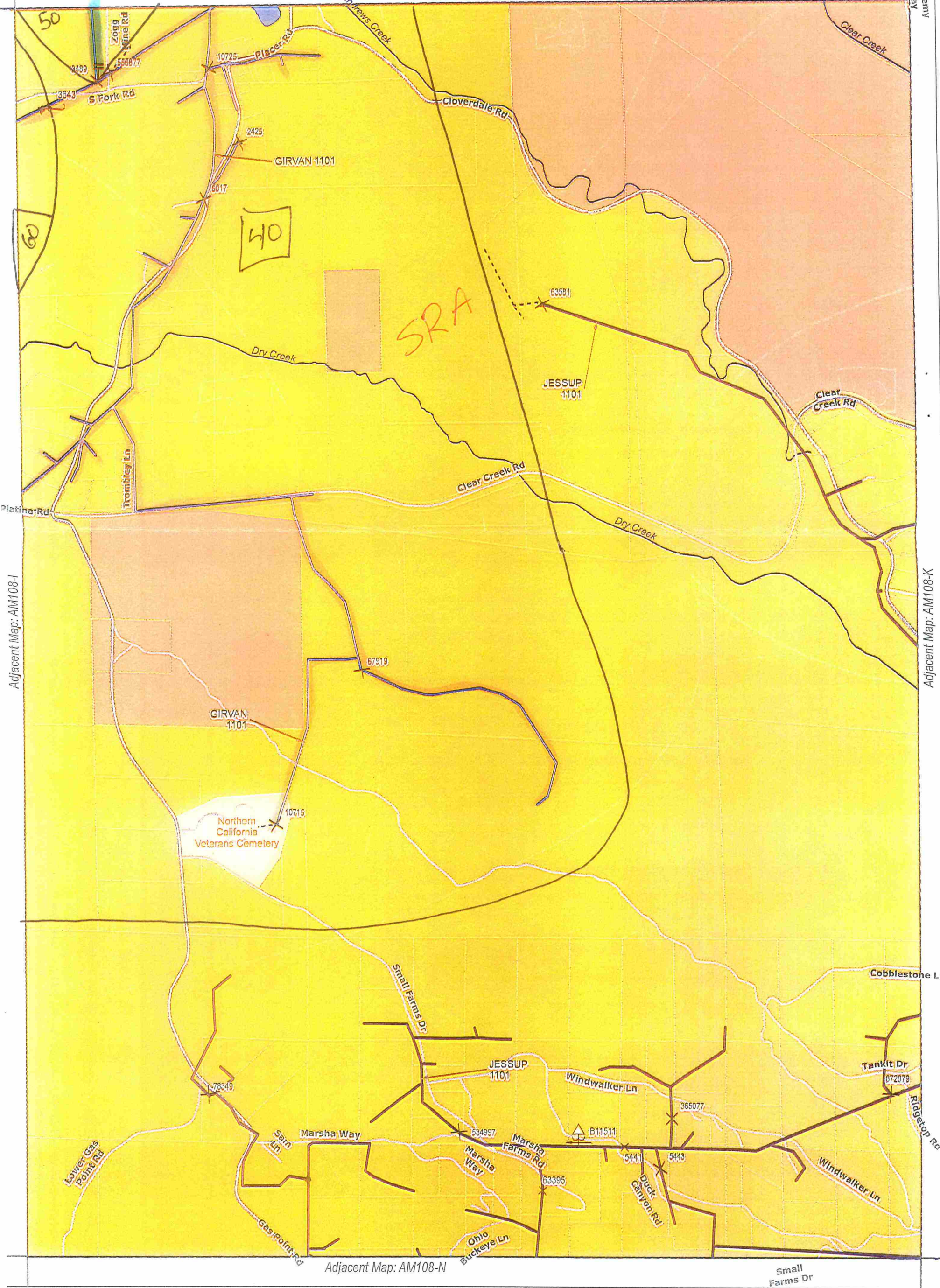
PGE Universal Map Grid Number

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EDGIS database accessed: 10/29/2016

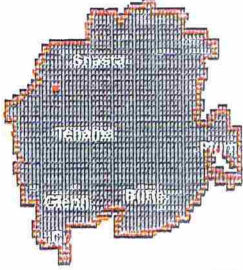
MAP LOCATION

Adjacent Map: AM108-F



Adjacent Map: AM108-N

Small Farms Dr



NORTH VALLEY DIVISION

A legend will show below for GGNRA lands and SRA/FRA, but ONLY when one of those exists somewhere on this map.

FRA

SRA

ELECTRIC CIRCUIT MAP

500 Scale sized for 11"x17" sheets
1 inch represents 1100 feet

0110022003300

Feet

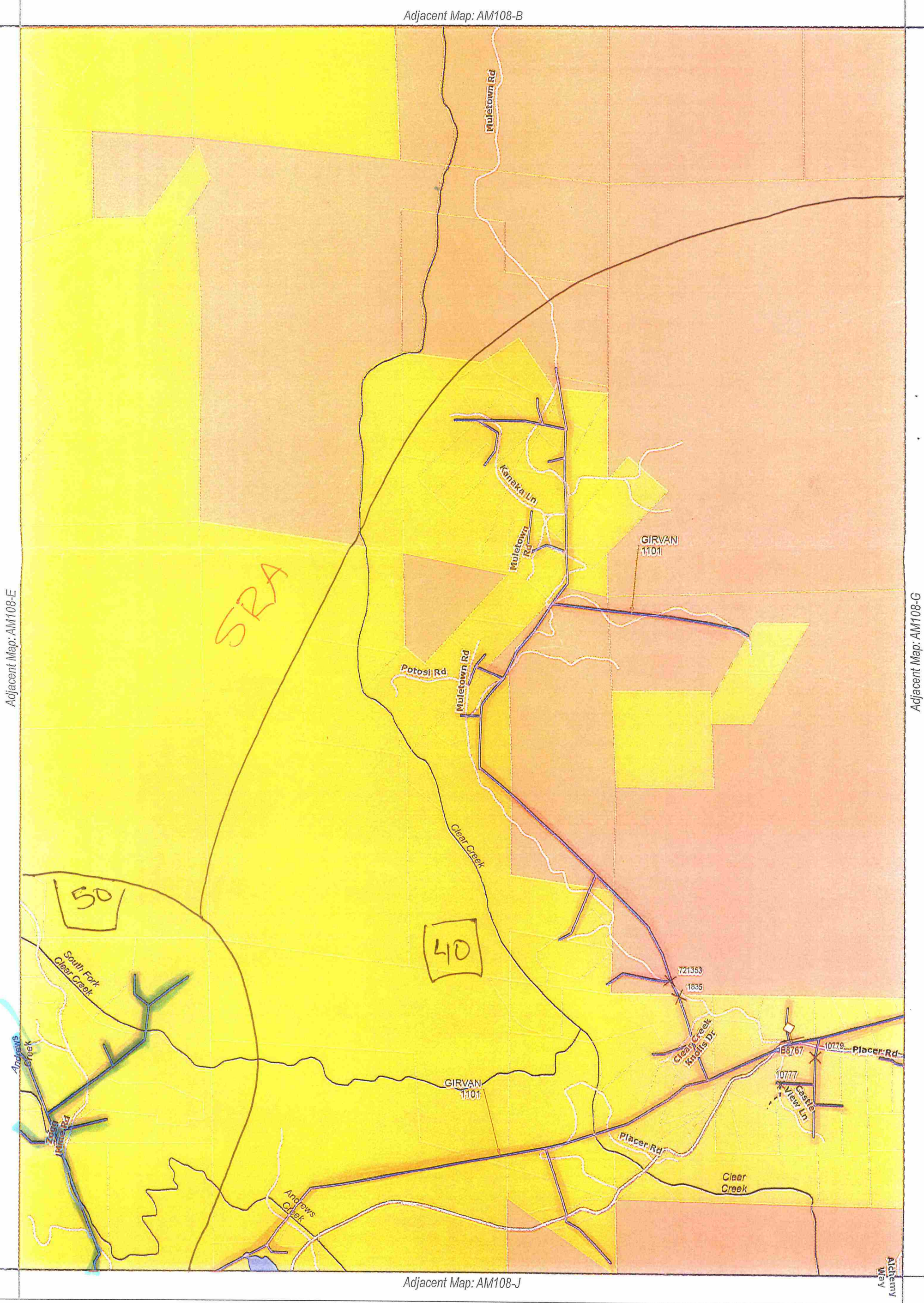
AM108-F

PGE Universal Map Grid Number

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MAP LOCATION

EDGIS database accessed: 10/29/201



Field Map

Girvan 1101 Route 50

Zogg Mine



2018